

Q3



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/378,648	08/20/1999	ARIANNE THERESE HINDS	BO9-99-032	9387
46919	7590	08/11/2005		
KONRAD RAYNES & VICTOR, LLP. ATTN: IBM36 315 SOUTH BEVERLY DRIVE, SUITE 210 BEVERLY HILLS, CA 90212			EXAMINER CARTER, TIA A	
			ART UNIT	PAPER NUMBER
			2626	

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/378,648

Applicant(s)

HINDS ET AL.

Examiner

Tia A Carter

Art Unit

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2003:
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4,5,18,19,31 and 32 is/are allowed.
- 6) ☒ Claim(s) 1-3,6-8,14-17,20,21,28-30,33 and 34 is/are rejected.
- 7) ☒ Claim(s) 9-13, 22-27, 35-40 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to by the Draftsperson under 37 CFR 1.84(g) for the reasons indicated on the Notice of Draftsperson's Patent Drawing Review submitted with this non-final office action. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3 14, 17, 28 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Falk (US. 5760913) in view of Wang (US. 5854882).

Regarding claim 1, Falk discloses a method for managing calibration files in a printing system, comprising:

Wang discloses printing patches using a screening algorithm and incorporating at least one output appearance factor (Figs. 2-3, col. 8, lines 30-65; fig. 5, col. 9, lines 53-67).

Falk discloses generating a calibration from measured color values of the printed patches mapping a color space for the printed patches to a color space of a printer used to print the patches (Fig. 1, col. 4, lines 35-58).

Falk disclose associating information with the calibration file indicating the printer and at least one output appearance attribute for the use in selecting one calibration file to use when printing a print job (fig. 1, col. 3, lines 55-65; fig. 6, col. 6, lines 5-65), wherein the at least one output appearance attribute provides descriptive information on at least one output appearance factor incorporated when printing the patches (fig. 5, col. 5, lines 6-29).

It would have been obvious to one skilled in the art at the time of the invention to modify Falk wherein gray scale image processes are used to correct image defects and to adjust image to user desired output.

Therefore, it would have been obvious to one skilled in the art at the time of the invention to combine Wang and Falk to achieve the limitations set forth in claim 1.

Regarding claim 3, Faulk disclose the method of claim 1, wherein the at least one output appearance factor is a member of a set of printing variables consisting of: toner, paper type, environmental factors, desired output, and target printer to emulate (fig. 2, col. 4, lines 12-38).

Regarding claim 14, Falk discloses a system for managing calibration files in a printing system, comprising:

Falk discloses a computer system (fig. 1, col. 3, lines 39-41).

Falk discloses a printer in communication with the computer (fig. 1, col. 3, lines 42-43)

Falk discloses a storage device accessible to the computer system (fig. 1, col. 3, lines 45-46);

Falk discloses program logic implemented within the computer (fig. 1, col. 3, lines 47-54), comprising:

Wang discloses means for printing patches using a screening algorithm and incorporating at least one output appearance factor (Figs. 2-3, col. 8, lines 30-65; fig. 5, col. 9, lines 53-67).

Falk discloses means for generating a calibration from measured color values of the printed patches mapping a color space for the printed patches to a color space of a printer used to print the patches (Fig. 1, col. 4, lines 35-58).

Falk disclose means for associating information with the calibration file indicating the printer and at least one output appearance attribute for the use in selecting one calibration file to use when printing a print job (fig. 1, col. 3, lines 55-65; fig. 6, col. 6, lines 5-65), wherein the at least one output appearance attribute provides descriptive information on at least one output appearance factor incorporated when printing patches (fig. 5, col. 5, lines 6-29).

Falk discloses means for storing the calibration file and associated information in storage device (fig. 1, col. 3, lines 50-53).

It would have been obvious to one skilled in the art at the time of the invention to modify Falk wherein gray scale image processes are used to correct image defects and to adjust image to user desired output.

Therefore, it would have been obvious to one skilled in the art at the time of the invention to combine Wang and Falk to achieve the limitations set forth in claim 14.

Regarding claim 17, Faulk disclose the system of claim 14, wherein the at least one output appearance factor is a member of a set of printing variables consisting of: toner, paper type, environmental factors, desired output, and target printer to emulate (fig. 2, col. 4, lines 12-38).

Regarding claim 28, Falk discloses an article of manufacture for use in managing calibration files in a printing system, the article of manufacture comprising computer usable media including at least one computer program embedded therein that causes the computer to perform (fig. 1, col. 3, lines 38-65):

Falk **does not discloses** printing patches using a screening algorithm and incorporating at least one output appearance factor.

Wang **discloses** printing patches using a screening algorithm and incorporating at least one output appearance factor (Figs. 2-3, col. 8, lines 30-65; fig. 5, col. 9, lines 53-67).

Falk discloses generating a calibration from measured color values of the printed patches mapping a color space for the printed patches to a color space of a printer used to print the patches (Fig. 1, col. 4, lines 35-58).

Falk disclose associating information with the calibration file indicating the printer and at least one output appearance attribute for the use in selecting one calibration file to use when printing a print job (fig. 1, col. 3, lines 55-65; fig. 6, col. 6, lines 5-65), wherein the at least one output appearance attribute provides descriptive information on at least one output appearance factor incorporated when printing patches (fig. 5, col. 5, lines 6-29).

It would have been obvious to one skilled in the art at the time of the invention to modify Falk wherein gray scale image processes are used to correct image defects and to adjust image to user desired output.

Therefore, it would have been obvious to one skilled in the art at the time of the invention to combine Wang and Falk to achieve the limitations set forth in claim 28.

Regarding claim 30, Faulk disclose the article of manufacture of claim 28, wherein the at least one output appearance factor is a member of a set of printing variables consisting of: toner, paper type, environmental factors, desired output, and target printer to emulate (fig. 2, col. 4, lines 12-38).

4. Claims 2, 6-8, 16, 20-21, 29, and 33-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Falk (US. 5760913) and Wang (US. 5854882) in view of Lee et al. (US. 6266155).

Regarding claim 2, Falk discloses the method of claim 1.

Falk **does not disclose** wherein the associated printer information indicates the name of the screening algorithm used in generating the calibration file.

Lee et al. **disclose** wherein the associated printer information indicates the name of the screening algorithm used in generating the calibration file (fig. 2B, col. 4, lines 24-48).

It would have been obvious to one skilled in the art at the time of the invention to modify Falk wherein the process used is identified for later calibration updates.

Therefore, it would have been obvious to one skilled in the art at the time of the invention to combine Lee et al. with Falk and Wang to achieve the limitations set forth in claim 2.

Regarding claim 6, Falk disclose the method of claim 1, further comprising:

Falk **does not disclose** generating the print job comprising a gray scale image.

Lee et al. **disclose** generating the print job comprising a gray scale image (fig. 3, col. 4, lines 49-67).

Falk **does not disclose** associating output appearance and printer attribute information with the print job for use in selecting one calibration file to use to calibrate the gray scale image when printing the print job.

Lee et al. **disclose** associating output appearance and printer attribute information with the print job for use in selecting one calibration file to use to calibrate the gray scale image when printing the print job (figs. 4-5, col. 5, lines 1-32).

It would have been obvious to one skilled in the art at the time of the invention to modify Falk wherein gray scale image processes are used to correct image defects and to adjust image to user desired output.

Therefore, it would have been obvious to one skilled in the art at the time of the invention to combine Lee et al. with Falk and Wang to achieve the limitations set forth in claim 6.

Regarding claim 7, Falk discloses the method of claim 6, wherein selecting one calibration file comprises selecting one calibration file having associated output appearance and printer information indicating compatibility with the printer and output appearance information associated with the print job (fig. 4, col. 9, lines 26-46).

Regarding claim 8, Falk discloses the method of claim 7, wherein determining compatibility of a print job and calibration file comprises:

Searching a directory of calibration files having associated printer information matching the printer information associated with the print job, wherein matching printer information indicates that the printer selected to print the print job matches the printer used to print the patches considered when generating the calibration file (fig. 2, col. 4, lines 12-17 and lines 49-58); and

Selecting from the calibration files generated with the printer associated with the print job one calibration file associated with at least one output appearance attribute that matches that at least one output appearance attribute associated with the print job, wherein the selected calibration file is used to print the print job (Fig. 2, col. 4, lines 4-17 and lines 34-46)

Regarding claim 16, Falk discloses the system of claim 14.

Faulk **does not disclose** wherein the associated printer information indicates the name of the screening algorithm used in generating the calibration file.

Lee et al. **disclose** wherein the associated printer information indicates the name of the screening algorithm used in generating the calibration file (fig. 2B, col. 4, lines 24-48).

It would have been obvious to one skilled in the art at the time of the invention to modify Falk wherein the process used is identified for later calibration updates.

Therefore, it would have been obvious to one skilled in the art at the time of the invention to combine Lee et al. with Falk and Wang to achieve the limitations set forth in claim 16.

Regarding claim 20, Falk disclose the system of claim 14, further comprising:

Falk **does not disclose** generating the print job comprising a gray scale image.

Lee et al. **disclose** generating the print job comprising a gray scale image (fig. 3, col. 4, lines 49-67).

Falk **does not disclose** associating output appearance and printer attribute information with the print job for use in selecting one calibration file to use to calibrate the gray scale image when printing the print job.

Lee et al. **disclose** associating output appearance and printer attribute information with the print job for use in selecting one calibration file to use to calibrate the gray scale image when printing the print job (figs. 4-5, col. 5, lines 1-32).

It would have been obvious to one skilled in the art at the time of the invention to modify Falk wherein gray scale image processes are used to correct image defects and to adjust image to user desired output.

Therefore, it would have been obvious to one skilled in the art at the time of the invention to combine Lee et al. with Falk and Wang to achieve the limitations set forth in claim 20.

Regarding claim 21, Falk, discloses the method of claim 20, wherein selecting one calibration file comprises selecting one calibration file having associated output

appearance and printer information indicating compatibility with the printer and output appearance information associated with the print job (fig. 4, col. 9, lines 26-46).

Regarding claim 29, Falk discloses the article of manufacture of claim 28.

Faulk **does not disclose** wherein the associated printer information indicates the name of the screening algorithm used in generating the calibration file.

Lee et al. **disclose** wherein the associated printer information indicates the name of the screening algorithm used in generating the calibration file (fig. 2B, col. 4, lines 24-48).

It would have been obvious to one skilled in the art at the time of the invention to modify Falk wherein the process used is identified for later calibration updates.

Therefore, it would have been obvious to one skilled in the art at the time of the invention to combine Lee et al. with Falk and Wang to achieve the limitations set forth in claim 29.

Regarding claim 33, Falk disclose the article of manufacture of claim 28, further comprising:

Falk **does not disclose** generating the print job comprising a gray scale image.

Lee et al. **disclose** generating the print job comprising a gray scale image (fig. 3, col. 4, lines 49-67).

Falk **does not disclose** associating output appearance and printer attribute information with the print job for use in selecting one calibration file to use to calibrate the gray scale image when printing the print job.

Lee et al. **disclose** associating output appearance and printer attribute information with the print job for use in selecting one calibration file to use to calibrate the gray scale image when printing the print job (figs. 4-5, col. 5, lines 1-32).

It would have been obvious to one skilled in the art at the time of the invention to modify Falk wherein gray scale image processes are used to correct image defects and to adjust image to user desired output.

Therefore, it would have been obvious to one skilled in the art at the time of the invention to combine Lee et al. with Falk and Wang to achieve the limitations set forth in claim 33.

Regarding claim 34, Falk discloses the article of manufacture of claim 33, wherein selecting one calibration file comprises selecting one calibration file having associated output appearance and printer information indicating compatibility with the printer and output appearance information associated with the print job (fig. 2, col. 4, lines 12-58; fig. 4, col. 9, lines 26-46).

5. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Falk (US. 5760913) and Wang (US. 5854882) in view of Gregory, Jr. et al. (US. 5818960)

Regarding claim 15, Falk discloses the system of claim 14.

Falk **does not disclose** Wherein the computer system comprises a client computer and a server, wherein the client computer, server, and printer communicate using at least one network communication line, wherein the program logic implemented in the client and server to print patches on the printer, generates the calibration file, associate information with the calibration file, and store the calibration file and associated information in the storage device.

Gregory et al. **disclose** wherein the computer system comprises a client computer and a server, wherein the client computer, server, and printer communicate using at least one network communication line, wherein the program logic implemented in the client and server to print patches on the printer, generates the calibration file, associate information with the calibration file, and store the calibration file and associated information in the storage device (fig. 1, col. 3, lines 27-67; col. 4, lines 1-60).

It would have been obvious to one skilled in the art at the time of the invention to modify Falk wherein the apparatus used in Falk has the capabilities to communicate with multiple devices via a network allowing print job calibration from system other than the one user operation system.

Therefore, it would have been obvious to one skilled in the art at the time of the invention to combine Gregory, Jr. et al. with Falk and Wang to achieve the limitations set forth in claim 15.

Claim Objections

6. Claims 9-13, 22-27, and 35-40 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Claims 4-5, 18-19 and 31-32 are allowed.

The prior art searched and cited failed to overcome the limitation set forth in the present application. The allowable subject matter is cited below.

Regarding claim 4 the allowable subject matter is disclosed as follows:

"printing patches using the selected screening algorithm and incorporating the selected at least one output appearance factor".

"a printer name indicating the selected printer; screening name indicating the selected screening algorithm".

Regarding claim 18 the allowable subject matter is disclosed as follows:

"printing patches using the selected screening algorithm and incorporating the selected at least one output appearance factor".

"a printer name indicating the selected printer; screening name indicating the selected screening algorithm".

Regarding claim 31 the allowable subject matter is disclosed as follows:

" printing patches using the selected screening algorithm and incorporating the selected at least one output appearance factor".

"a printer name indicating the selected printer; screening name indicating the selected screening algorithm".

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Knox et al. (US. 5649073, Sherman et al. (US. 5537516), Rolleston et al. (US. 5416613), Decker et al. (US. 6137596), Naoi (US. 6351263), Sobol (US. 5185673), Spence (US. 5333069), Kollow (US. 6421620), Cooper et al. (US. 6512597), and Brossman et al. (US. 6498661) are cited to show related art with respect to calibration file and output adjustments.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within


TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tia A Carter whose telephone number is 703 - 306-5433. The examiner can normally be reached on M-F (7:00-3:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly A Williams can be reached on 703-305-4863. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-6056.

Tia A Carter
Examiner
Art Unit 2626


TAC
January 18, 2004


KIMBERLY WILLIAMS
SUPERVISORY PATENT EXAMINER